

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 11, 1990
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:15 a.m. Mayor O'Connor reported that City Manager John Lockwood announced his retirement, effective March 9, 1991.

The meeting was recessed by Mayor O'Connor at 12:20 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:06 p.m. with no quorum present. A quorum was present at 2:08 p.m. with Council Members Roberts, Hartley, Pratt, and McCarty not present. Mayor O'Connor recessed the meeting at 6:17 p.m. to convene the Redevelopment Agency. Mayor O'Connor reconvened the meeting at 6:29 p.m. with Council Members Roberts and Filner not present. Mayor O'Connor adjourned the meeting at 6:30 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Clerk-Abdelnour;Fishkin (so/mp)

FILE LOCATION: MINUTES

Dec-11-1990

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-134: (R-91-912) ADOPTED AS RESOLUTION R-277052

Authorizing the execution of an agreement with the Emergency Medical Services Training Institute (EMSTI) of the University of California, San Diego, Medical Center, for the paramedic training of City fire fighters, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of the project and agreement; authorizing the expenditure of an amount not to exceed \$97,162, consisting of \$32,000 from Object Account 3105, \$7,162 from Object Account 3222, \$33,000 from Object Account 4103, and \$25,000 from Object Account 4212, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: On September 18, 1990, the City Council authorized the City Manager to initiate a Fire Department paramedic program through the training of fire fighters to the paramedic skill level and certifications, and to place such designated fire fighter/paramedics on board Fire Department engines to supplement the present City of San Diego paramedic delivery system. The Emergency Medical Services Training Institute (EMSTI) of the University of California, San Diego Medical Center will provide the paramedic training for the fire fighters commencing January 14, 1991 and continuing through July 1991. EMSTI was the only authorized training agency in San

Diego County which was able to provide the training for the number of students necessary and in the timeframe required to meet the Fire Department's implementation schedule. The cost of the training for 33 fire fighters is \$97,162. There are savings in four Fire Department accounts to cover this cost. It is anticipated that the Fire Department will be reimbursed approximately \$73,000 of the total cost through a training agreement with the California Fire Fighter Joint Apprenticeship Committee and the San Diego Fire Department.
Aud. Cert. 9100407.

FILE LOCATION: MEET CONTFY91-1

COUNCIL ACTION: (Tape location: H484-568.)

MOTION BY ROBERTS TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-151: (O-91-71) INTRODUCED, TO BE ADOPTED
JANUARY 9, 1991

Introduction of an Ordinance amending Chapter II, Article 2, Division 2, of the San Diego Municipal Code by amending Section 22.0226, relating to the Hiring of Consultants, by increasing the City Manager's authorization to award architectural or engineering consultant contracts from \$100,000 to \$250,000, for the design of an individual Capital Improvement Program project which has previously been approved by the City Council.
(See City Manager Report CMR-90-480.)

COMMITTEE ACTION: Reviewed by RULES on 11/21/90.

Recommendation to refer to the City Council with the direction that the City Manager provide additional information on the types of projects which would be effected by the change. Districts 2, 4, 5 and Mayor voted yea. Districts 1 and 8 not present.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: J470-539.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCE. Second by Bernhardt. Passed by the following vote: Wolfsheimer-nay,

Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-nay, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-208: (R-91-889) ADOPTED AS AMENDED AS RESOLUTION
R-277053

Extension of the Paramedic Services Agreement with Hartson
Medical Services, including agreement modifications to
provide for a shared system which includes placing
firefighter/paramedics on fire engines to supplement the
present City paramedic delivery program.

FILE LOCATION: MEET CONTFY91-1

COUNCIL ACTION: (Tape location: H174-180;H255-I589.)

MOTION BY HENDERSON TO ADOPT MAP NO. 1 AND TO ADD TWO UNITS TO
THE CORE AREA. DIRECT THE CITY MANAGER TO LOCATE THE EXTRA
\$85,000 REQUIRED AND RETURN DURING BUDGET DELIBERATIONS. Second
by Bernhardt.

Council member McCarty asked to split the motion between Map No.
1 and the additional two units.

Map No. 1 passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

Two additional units passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

MOTION BY ROBERTS TO RECONSIDER TO ALLOW OTHER AMBULANCE
COMPANY

PERSONNEL TO TESTIFY. Second by Bernhardt. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO REINSTITUTE THE PREVIOUS MOTION AND TO
EXECUTE THE AGREEMENT, REMOVING THE MONOPOLY ASPECT SO THAT
HARTSON ISN'T THE ONLY RESPONDER AND WORKING OUT CHANGES TO THE
MEDICAL SUPPLY AS AN ELEMENT TO THE "BIG" CONTRACT TO MAKE THE
SHARED SYSTEM WORK. IN ADDITION STAFF IS TO GET TOGETHER WITH
THE AMBULANCE COMPANIES TO ESTABLISH UNIFORM STANDARDS. REPORT
BACK TO COUNCIL WITH RECOMMENDATIONS. Second by Roberts.

Passed by the following vote: Wolfsheimer-nay, Roberts-yea,
Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea,

McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-210: CONTINUED TO DECEMBER 12, 1990, SPECIAL MEETING

(Continued from the meetings of August 7, 1990, Item 331, September 18, 1990, Item 341, and October 16, 1990, Item 338, and October 29, 1990, Item 215; last continued at Councilmember Henderson's request, for review by the Community Planners Committee.)

A proposal for amendments to the Resource Protection Ordinance, Article 1, Division 4, Section 101.0462 of the San Diego Municipal Code, including: deletion of certain exemptions and exclusions; changes to the regulations relating to biologically sensitive lands, hillsides and floodplains; changes to the findings and alternative compliance procedure; addition of a procedure to apply the ordinance to long range plans; and other amendments. The City Council will also consider the Resource Protection Ordinance Administrative Guidelines.
(City-wide.)

Subitem-A: (R-91-)

Adoption of a Resolution adopting the Resource Protection Ordinance Administrative Guidelines.

Subitem-B: (O-91-)

Introduction of an Ordinance amending Chapter X, Article 1, Division 4 of the Municipal Code.

NOTE: See Item 211 for a companion item.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: J540-554.)

BY COMMON CONSENT ITEM-210 AND -211 WERE CONTINUED TO THE SPECIAL MEETING OF DECEMBER 12, 1990. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-211: (O-90-209) CONTINUED TO DECEMBER 12, 1990, SPECIAL MEETING

(Continued from the meetings of July 10, 1990, Item 336, July 17, 1990, Item S405, July 31, 1990, Item 345,

August 7, 1990, Item S502, September 18, 1990, Item 345, October 16, 1990, Item 340, and October 29, 1990, Item 217; last continued at Councilmember Bernhardt's request, for review by the Community Planners Committee.)

A proposal to amend the Resource Protection Ordinance, Article 1, Division 4, Section 101.0462 of the San Diego Municipal Code to delete the Black Mountain Road, and County Island Annexation areas from Paragraph E., Exclusions.

(District-5.)

Introduction of an Ordinance deleting the exclusions for Black Mountain Road Assessment District, and the County Island from the Resource Protection Ordinance, Section 101.0462, Paragraphs E4, 5 and 6 of the Municipal Code.

NOTE: See Item 210 for a companion item.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: J540-554.)

BY COMMON CONSENT ITEM-210 AND -211 WERE CONTINUED TO THE SPECIAL MEETING OF DECEMBER 12, 1990. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

Dec-11-1990

ITEM-310: DID NOT APPEAR

Welcoming a group of 35 students from Emerson Elementary School, who will attend this meeting accompanied by their teacher, Muriel Handrus. This group will arrive at approximately 10:30 a.m.

(District-4.)

FILE LOCATION: AGENDA

ITEM-330: (R-91-1147) GRANTED APPEAL/DENIED PERMIT, ADOPTED AS RESOLUTION R-277049

19901211

Appeal of Jacky Feighan from the decision of the Planning

Commission in granting Coastal Development Permit CDP-90-0494 to construct a two-story, single-family home totaling 1,629 square feet. The subject property, a 2,925-square-foot lot, is located at 7323 Monte Vista Avenue, south of Marine Street, east of Vista Del Mar, north of Sea Lane, and west of Olivetas Avenue and is more particularly described as Lot 10, Block 7, La Jolla Beach, Map-893 1/2, in Zone R-1-5000 (Single-Family Residential, minimum lot size of 5,000 square feet) within the La Jolla Community Plan area.

(CDP-90-0494. District-1.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: CDP-90-0494 PERM

COUNCIL ACTION: (Tape location: A071-B317.)

Hearing began at 10:22 a.m. and halted at 11:24 a.m.

Testimony in favor of the appeal by Jacky Feighan, Alva Jahnes-Smith, Toni Ciani, Grace Truitt, James Eisen, Marjorie McNair, James H. Barry, and 17 proponents yielded their time to these speakers.

Testimony in opposition to the appeal by Mark Baker, Dr. Richard Merino, Pino Parente, Mitzi Merino, and five opponents yielded their time to these speakers.

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL AND DENY THE PERMIT.

Second by Bernhardt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

Dec-11-1990

ITEM-331: (R-91-898) DENIED APPEAL/GRANTED HISTORICAL
DESIGNATION, ADOPTED AS RESOLUTION
R-277050

19901211

Appeal of The San Diego Housing Partnership, by Michael B. Galasso, President, Metropolis Investment and Development, from the decision of the Historical Site Board in approving site designation of the Carnation/Qualitee Dairy Building, located at 354 Eleventh Avenue. Specifically the area

designated being the exterior of the building, as Site No. 261, Grade 2.

(District-8.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historic site designation, with appropriate findings to support Council action.

FILE LOCATION: CARNATION/QUALITEE DAIRY BUILDING
GEN'L - HISTORICAL SITE BOARD, APPEALS AND
DECISIONS, ETC.

COUNCIL ACTION: (Tape location: B317-D011.)

Hearing began at 10:25 a.m. and halted at 12:20 p.m.

Testimony in favor of the appeal by Harrison Waite III, John Fowler, Michael Galasso, Steve Breskin, Jim Kelly-Markham, Klaus Mendenhall, Michael Anderson.

Testimony in opposition to the appeal by Jim Engelke, Wayne Buss, Ron Kirkemo, David Swarins, Edward Maupin, Ph.d., Richard Gold, Ph.d, Diane Roberts, Marina Hennighausen, Marsio Torero, Roberto Salas, James Ritchie, Gerry McRandis, David Duea.

MOTION BY FILNER TO DENY THE APPEAL AND UPHOLD THE HISTORICAL DESIGNATION. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-332: (R-91-766) ADOPTED AS RESOLUTION R-277054

Formally recognizing the City Heights Area Planning Committee as a Community Planning Group for a portion of the Mid-City Community Planning Area.
(Districts-3 and 8.)

COMMITTEE ACTION: Reviewed by RULES on 10/3/90.
Recommendation to accept the Planning Department's

recommendations. Districts 1, 4, 5, 8 and Mayor voted yea.
District 2 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E025-050.)

MOTION BY HARTLEY TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (O-91-92) INTRODUCED AND ADOPTED AS ORDINANCE O-17568
(New Series)

Introduction and adoption of an Ord. amending Ordinance O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted therein, by amending the Personnel Authorization of the Risk Management Department (084) by adding one (1.00) Safety Representative II position for the purpose of administering state mandated safety programs; authorizing the City Auditor and Comptroller to transfer the sum of \$143,008 to Risk Management (084) Revolving Fund 50061 from the following sources: \$128,600 - Unallocated Reserve (605), \$9,173 - Waste Management Enterprise Fund 41200, \$2,680 - Airports Enterprise Fund 41100, and \$2,555 - Building Inspection Enterprise Fund (41300), to be used for the sole and exclusive purpose of defraying personnel and nonpersonnel expenses in connection with administration of state mandated safety programs.

NOTE: See Item 201 on the regular docket of Monday, December 10, 1990, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E052-055.)

MOTION BY FILNER TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEMS-333, -334, -S502, AND -S505.
Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (O-91-94) INTRODUCED AND ADOPTED AS ORDINANCE
O-17569 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate

the City of San Diego for said Fiscal Year" by amending Document No. 00-17504-1, as amended and adopted therein, by authorizing the City Auditor and Comptroller to increase the General Fund 100 Appropriation and Non-Departmental Expenditures (Department 601) by \$1,675,607, due to availability of Unappropriated General Fund Fiscal Year 1990 closing undesignated fund balance; authorizing the City Auditor and Comptroller to allocate the funds for County of San Diego Property Tax Administration and Collection Charges; and authorizing the expenditure for said purpose.

NOTE: See Item 202 on the docket of Monday, December 10, 1990, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E052-055.)

MOTION BY FILNER TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEMS-333, -334, -S502, AND -S505.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (R-91-1148) ADOPTED AS RESOLUTION R-277055 GRANTING
APPEAL, DENYING PERMIT

Appeal of Alfred C. Strohlein, from the decision of the Planning Commission in approving Coastal Development Permit CDP-90-0496, proposing the demolition of a single-family home and the construction of a two-story, four-unit condominium. The subject property (approximately 6,250 square-feet) is located at 1644 Thomas Avenue, in Zone R-1500, in the Pacific Beach Community Plan area, and is more particularly described as Lots 29 and 30, Block 251, Pacific Beach Tract 854.

(CDP-90-0496. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - CDP-90-0496

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

Testimony in favor by Al Strohlein, Catherine Strohlein, Nancy Madison, Max Treece, and Jean Monfort.

Testimony in opposition by Frank Rys and Randall Williams.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE COASTAL PERMIT. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-nay, Hartley-nay, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336:

(Continued from the meeting of October 30, 1990, Item 343, at Councilmember Filner's request, for further review.)

Appeal of Robert J. Krause, S.P.E. Corporation, by Richard A. Rubin of Sholders & Sanford, Inc., from the decision of the Planning Commission in denying Tentative Map, Planned Infill Residential Development Permit and Resource Protection Overlay Zone Permit, Case-87-1098 (River Trails Project). The project would develop approximately 10.5 acres of residential and open space uses within the Coastal Zone and 100-year floodplain of the Tia Juana River. The project proposes 45 detached single-family dwelling units on 6.65 acres of fill material and is located on the west

side of Hollister Street between Sunset and Tocayo Avenues, in Zone R1-5000, in the Otay Mesa-Nestor Community Plan area. The subject property is further described as Lot 75 of Sunrise Addition Unit No. 3, Map-10832.

(TM, PIRD/TM-87-1098. District-8.)

Subitem-A: (R-91-) FILED, AS A RESULT OF DENYING THE
APPEAL

19901211

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-1098 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the

Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-1149) ADOPTED AS RESOLUTION R-277056
DENYING APPEAL, DENYING MAP

Adoption of a Resolution granting or denying the appeal and granting or denying the map, with appropriate findings to support Council action.

Subitem-C: (R-91-1150) ADOPTED AS RESOLUTION R-277057
DENYING APPEAL, DENYING PIRD
PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying the PIRD permit, with appropriate findings to support Council action.

Subitem-D: (R-91-1151) ADOPTED AS RESOLUTION R-277058
DENYING APPEAL, DENYING RPOZ
PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying the RPOZ permit, with appropriate findings to support Council action.

FILE LOCATION: Subitem-A,C: PERM PIRD 87-1098, Subitem-B:
SUBD - River Trails, Subitem-D: PERM - RPOZ
87-1098

COUNCIL ACTION: (Tape location: F536-G496.)

Hearing began at 3:27 p.m. and halted at 4:06 p.m.

Testimony in favor of the appeal by Rick Rubin.

Testimony in opposition to the appeal by David Gomez, Ruth Schneider, Lincoln Pickard, and Bill Wootton.

MOTION BY FILNER TO UPHOLD THE DECISION OF THE PLANNING COMMISSION AND DENY THE APPEAL. INCORPORATE THE PLANNING COMMISSION'S FINDINGS. THE EIR IS INADEQUATE AND UNABLE TO BE CERTIFIED. Second by Bernhardt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337:

A proposal to adopt amendments to the North City West Planned District Ordinance and City of San Diego Local Coastal Program (LCP) to establish comprehensive signage standards, guidelines and criteria for the North City West Community Plan area. Copies of the proposed signage standards and guidelines are available in the Planning Department for review by the general public.

(District-1.)

Subitem-A: (R-91-507) ADOPTED AS RESOLUTION R-277059

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-90-0454 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-91-57) INTRODUCED, TO BE ADOPTED JANUARY 9, 1991

Introduction of an Ordinance amending the North City West Ordinance of the San Diego Municipal Code.

Subitem-C: (R-91-508) ADOPTED AS RESOLUTION R-277060

Adoption of a Resolution amending the Local Coastal Program and authorizing transmittal to the California Coastal Commission.

FILE LOCATION: Subitem-A,B: LAND - North City West Planned District, Subitem-C: LAND - Local Coastal Program

COUNCIL ACTION: (Tape location: G499-527.)

Hearing began at 4:06 p.m. and halted at 4:08 p.m.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTIONS AND INTRODUCE THE

ORDINANCE. Second by Bernhardt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

19901211

ITEM-338:

1. A request to approve PLANNED COMMERCIAL DEVELOPMENT PERMIT PCD-89-1096 AND TENTATIVE MAP PCD & TM-89-1096 (University Plaza) which proposes to demolish existing structures and construct a 51,600 square-foot neighborhood shopping center and a one-lot subdivision of a 3.39 acre site.

The subject property is located on the southwest corner of Chollas Parkway and University Avenue in the CA Zone and is more particularly described as a portion of Lot 29, Lemon Villa Map-734; Lots 1,2,3, and 4 of Chollas Plaza Map-6711; Lot 2 of Chollas Center Unit 2, Map-5764 and a portion of Lot 12, Map-748 in the Mid-City Community Plan area.

2. A proposal to vacate a portion of Lea Street (Chollas Road) and Chollas Parkway, as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed tentative parcel map (TM-89-1096) for University Plaza.

(PCD & TM-89-1096. District-3.)

Subitem-A: (R-91-826) ADOPTED AS RESOLUTION R-277061

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-1096 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-91-) NOTED

Adoption of a Resolution granting or denying the permit,
with appropriate findings to support Council action.

Subitem-C: (R-91-1153) ADOPTED AS RESOLUTION R-277063
GRANTING MAP

Adoption of a Resolution granting or denying the map, with
appropriate findings to support Council action.

Subitem-D: (R-91-825) ADOPTED AS RESOLUTION R-277064

Adoption of a Resolution authorizing the vacation of a
portion of Lea Street (Chollas Road) and Chollas Parkway,

as provided for under Section 66499.20-1/2 of the State Map
Act.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been initiated by the submission of Tentative Parcel Map TM-89-1096. Located in the Mid-City Community Plan area, the subject vacation is situated in a CA Zone. The area-of-vacation totals 0.99 acres and will be consolidated with the adjacent properties to create a 3.2-acre site. Proposed for development under the related Planned Commercial Development Permit (PCD-89-1096) is construction of a 51,600 square-foot neighborhood shopping center. Portions of the area-of-vacation are owned in fee by the City and, therefore, will require a land sale prior to recordation of the final map. There is no designated Community Planning Group for the Mid-City Community. The Subdivision Board recommended approval of the proposed tentative parcel map TM-89-1096, on June 18, 1990, by a 3-0 vote. The area-of-vacation is unimproved and contains public utilities and franchise facilities for which easements will be provided for in the final map. Segments of the proposed vacation identified on Parcels "A" and "B" were previously reviewed by City Council and subsequently approved for vacation with conditions required such as the consummation of a land sale and recordation of a final map per Resolution R-270633, approved April 4, 1988. The areas-of-vacation identified as "C" and "G" are also owned in fee by the City; therefore, these parcels will also require consummation of a land sale prior to the recordation of a final map. All public improvements normally required by the vacation are being required per the tentative map. These improvements include curb and sidewalk construction along the vacated area and the connection of Lea Street with

Chollas Parkway. Staff review has indicated that the proposed vacation is consistent with Council Policy 600-15. The right-of-way is no longer required for present or prospective public use, and will not detrimentally affect the facility for which it was acquired, since the area to be vacated is surplus to future public needs. The public will benefit from the vacation based upon improved utilization of the property and payment by the developer of the fair market value for the portion of City-owned right-of-way. The vacation is also consistent with the General Plan and the community plan. Staff recommends that the vacation be conditioned upon the approval of a final map and consummation of a land sale.

FILE LOCATION: Subitem-A,B: PERM - PCD 89-1096, Subitem-C:
SUBD- University Plaza, Subitem-D: STRT
J-2680 DEED F-5469 DEEDFY91-1

COUNCIL ACTION: (Tape location: G529-H166.)

Hearing began at 4:08 p.m. and halted at 4:25 p.m.

Testimony in favor by the developer.

MOTION BY McCARTY TO APPROVE, CERTIFYING THE NEGATIVE DECLARATION, GRANTING THE PERMIT WITH THE CONDITION THAT THE LOWER LEVEL BE GATED FOR SECURITY OF THE EMPLOYEES AND NEIGHBORS, GRANTING THE MAP, AND AUTHORIZING THE VACATION.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

(NOTE: PCD Permit was approved by the Subdivision Board on June 18, 1990. Subitem-B above was noted and the condition which was added was placed on the tentative map as another condition.)

ITEM-339: (R-91-1202) ADOPTED AS RESOLUTION R-277065 GRANTING APPEAL AND DENYING EARLY RELEASE

19901211

(Continued from the meetings of October 16, 1990, Item 332, and November 13, 1990, Item 330; last continued at

Councilmember Henderson's request, in order to be heard with other appeals in the Pacific Beach Area and to resolve issues with respect to design guidelines, tandem parking and rezoning.)

Appeal of Alfred C. Strohlein and Charles D. Grim, from the decision of the Planning Director in granting Early Release Single-Family Neighborhood Protection Ordinance (ERSFNPO) Case-90-3007, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988.

The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 1343 Reed Avenue is located within a single-family neighborhood. The subject property is further described as Lots 11 and 12, Block 288, Pacific Beach Map-923, in Zone R-1500 (Multi-Family), in the Pacific Beach Community Plan area.

(ER-90-3007. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case-90-3007

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

Testimony in favor by Al Strohlein, Catherin Strohlein, Nancy Madison, Max Treece, and Jean Monfort.

Testimony in opposition by Jean Renshaw.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE EARLY RELEASE. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-nay, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Dec-11-1990

ITEM-340: (R-91-1208) ADOPTED AS RESOLUTION R-277066 GRANTING APPEAL, DENYING EARLY RELEASE

19901211

(Continued from the meetings of October 16, 1990, Item 333 and November 13, 1990, Item 331; last continued at Councilmember Henderson's request, to be heard with other appeals in the Pacific Beach area and to resolve issues with respect to design guidelines, tandem parking and

rezoning.)

Appeal of Alfred C. Strohlein, from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3026, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property located at 4053 Honeycutt Street is located within a single-family neighborhood. The subject property is further described as Lots 11 and 12, Block 2, Venice Park Map-991, in Zone R-1500, in the Pacific Beach Community Plan area.

(Case-90-3026. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case-90-3026

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

Testimony in favor by Al Strohlein, Catherine Strohlein, Nancy Madison, Max Treece, and Jean Monfort.

Testimony in opposition by Doug Holmes.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE EARLY RELEASE. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-nay, Hartley-nay, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Dec-11-1990

ITEM-341: (R-91-1209) ADOPTED AS RESOLUTION R-277067 GRANTING APPEAL, DENYING EARLY RELEASE

19901211

(Continued from the meetings of October 16, 1990, Item 334, and November 13, 1990, Item 332; last continued at Councilmember Henderson's request, to be heard with other appeals in the Pacific Beach area and to resolve issues with respect to design guidelines, tandem parking and rezoning.)

Appeal of Alfred Strohlein, from the decision of the Planning Director in approving Early Release Single-Family

Neighborhood Protection Ordinance Case-90-3027, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property located at 3867 Kendall Street is located within a single-family neighborhood. The subject property is further described as Lots 7 and 8, Block 28, Fortuna Park Addition, Tract 894, in Zone R-1500, in the Pacific Beach Community Plan area.
(Case-90-3027. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case-90-3027

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

Testimony in favor by Al Strohlein, Catherine Strohlein, Nancy Madison, Max Treece, and Jean Monfort.

Council Member Pratt left at 2:55 p.m.

Testimony in opposition by Mark Usselman.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE EARLY RELEASE. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-nay, Hartley-nay, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-342: (R-91-1205) ADOPTED AS RESOLUTION R-277068 GRANTING APPEAL, DENYING EARLY RELEASE

19901211

(Continued from the meetings of October 16, 1990, Item 335 and November 13, 1990, Item 333; last continued at Councilmember Henderson's request, to be heard with other appeals in the Pacific Beach area and to resolve issues with respect to design guidelines, tandem parking and rezoning.)

Appeal of Alfred C. Strohlein, from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3022, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was

adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 2058 Reed Avenue is located within a single-family neighborhood. The subject property is further described as Lots 25 & 26, Block 274, Pacific Beach Map-697 & 854, in Zone R-1500 (Multi-Family), in the Pacific Beach Community Plan area.

(ER-90-3022. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case-90-3022

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

Testimony in favor by Al Strohlein, Catherine Strohlein, Nancy Madison, Max Treece, and Jean Monfort.

Testimony in opposition by Linda Sheridan and Jerry Simmons.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE EARLY RELEASE. Second by Filner. Passed by the following vote:

Wolfsheimer-nay, Roberts-nay, Hartley-nay, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-343: (R-91-1203) ADOPTED AS RESOLUTION R-277069 DENYING APPEAL, GRANTING EARLY RELEASE

19901211

(Continued from the meetings of July 31, 1990, Item 342, September 24, 1990, Item 204, October 16, 1990, Item 341, and November 13, 1990, Item 339; last continued at Councilmember Henderson's request, for further review.)

Appeal of Robert McDonald by John McEvoy, Attorney, and Alfred Strohlein from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3018, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 3959, 3961, and 3969 Riviera Drive is located within a single-family

neighborhood. The subject property is further described as Lots 7-12, Block 11, Second Fortuna Park Addition, Map-895, in Zone R-1500 (Multi-Family), in the Pacific Beach Community Plan area.

(ER-90-3018. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case-90-3018

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

Testimony in favor by Al Strohlein, Catherine Strohlein, Nancy Madison, Max Treece, and Jean Monfort.

Testimony in opposition by Rebecca Michael.

MOTION BY HENDERSON TO DENY THE APPEAL AND GRANT THE EARLY RELEASE. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-344: (R-91-1204) ADOPTED AS RESOLUTION R-277070 GRANTING APPEAL, DENYING EARLY RELEASE

19901211

(Continued from the meetings of July 31, 1990, Item 343, September 24, 1990, Item 205, October 16, 1990, Item 342 and November 13, 1990, Item 340; last continued at Councilmember Henderson's request, for further review.)

Appeal of Rebecca and Stephen Hardesty, from the decision of the Planning Director in approving Early Release

Single-Family Neighborhood Protection Ordinance

Case-90-3019, which requests an early release from the

Single-Family Neighborhood Protection Ordinance (ERSFNPO),

which was adopted by the City Council on August 7, 1988.

The ordinance restricts the replacement of single-family

residences in multi-family zones. The applicant is

requesting an Early Release from this restriction to

determine if the property at 1411 Thomas Avenue is located

within a single-family neighborhood. The subject property

is further described as Lots 4 & 5, Block 268, Pacific

Beach Map-697, in Zone R-1500 (Multi-Family), in the

Pacific Beach Community Plan area.

(ER-90-3019. District-6.)

Adoption of a Resolution granting or denying the appeal and

granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case-90-3019

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE EARLY RELEASE. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-nay, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-345: (R-91-1206) ADOPTED AS RESOLUTION R-277071 GRANTING APPEAL, DENYING EARLY RELEASE

19901211

(Continued from the meetings of October 30, 1990, Item 339 and November 27, 1990, Item 333; last continued at Councilmember Henderson's request, in order to consolidate all the Pacific Beach items.)

Appeal of Alfred Strohlein from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 1461 Chalcedony Street is located within a single-family neighborhood. The subject property is further described as Lots 16 & 17, Block 124, Pacific Beach Map-948, in Zone R-1500 within the Pacific Beach Community Plan area.

(ER-90-3024. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case 90-3024

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

Testimony in favor by Al Strohlein, Catherine Strohlein, Nancy Madison, Max Treece, and Jean Monfort.

Testimony in opposition by Mike Botkin and Charles Blevins.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE EARLY RELEASE. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-nay, Pratt-not present,

Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Dec-11-1990

ITEM-346: (R-91-1207) ADOPTED AS RESOLUTION R-277072 GRANTING APPEAL, DENYING EARLY RELEASE

19901211

(Continued from the meetings of October 30, 1990, Item 340 and November 27, 1990, Item 334; last continued at Councilmember Henderson's request, to consolidate all the Pacific Beach items.)

Appeals of Jean Monfort, Alfred Strohlein, Thomas Battista, and Bertha Chase from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3025, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property located at 936 Opal Street is located within a single-family neighborhood. The subject property is further described as Lots 27 and 28, Block 3, Reed's Ocean Front Addition Tract 913, in Zone R-1500 in the Pacific Beach Community Plan area.

(Case-90-3025. District-6.)

Adoption of a Resolution granting or denying the appeals and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case-90-3025

COUNCIL ACTION: (Tape location: E465-F523.)

Hearing began at 2:41 p.m. and halted at 3:25 p.m.

Testimony in favor by Al Strohlein, Catherine Strohlein, Nancy Madison, Max Treece, and Jean Monfort.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE EARLY RELEASE. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-nay, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-347: (R-91-900) ADOPTED AS RESOLUTION R-277073

Approving the Fiscal Year 1990 Annual Report and Annual

Financial Report of the Redevelopment Agency.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: J425-439.)

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-348: (R-91-922) CONTINUED TO JANUARY 15, 1991

Ratification of the North Park Redevelopment Project Area Committee Election.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: J440-467.)

MOTION BY HARTLEY TO CONTINUE TO JANUARY 15, 1991, TO ALLOW THE COMMITTEE TIME TO RATIFY THE ELECTION OF A NEW MEMBER. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S500:

Two actions relative to the construction of an east-west arterial to link Interstate 15 with State Route 67:

(Scripps Miramar Ranch Community Area. District-6.)

Subitem-A: (R-91-985) ADOPTED AS RESOLUTION R-277074

Authorizing the City Manager to enter into an agreement with the City of Poway and the Poway Redevelopment Agency relating to construction of an east-west arterial between the City of Poway and the City of San Diego to link Interstate 15 with State Route 67.

Subitem-B: (R-91-986) ADOPTED AS RESOLUTION R-277075

Certifying the information contained in the City of Poway's EIR, SCH No. 88021004, as responsible agency under CEQA and that said report has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: In accordance with this

Memorandum of Understanding, the City of Poway agrees to construct and Poway Redevelopment Agency agrees to finance a four lane east-west arterial which connects I-15 to City of Poway, from the easterly boundary of Scripps Ranch North project to the Poway city limit, as shown on Engineering Drawing Number 25924-D. The City of San Diego has been unable to acquire said right-of-way from private property owners. The Poway Redevelopment Agency agrees to pay, on behalf of the City of San Diego, all costs incurred in the negotiations to acquire said right-of-way, including condemnation, if necessary.

FILE LOCATION: MEET CONTFY91-1

COUNCIL ACTION: (Tape location: E058-065.)

MOTION BY HENDERSON TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501: (R-91-957) ADOPTED AS RESOLUTION R-277076
FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION
Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the construction, operation and maintenance of a public street together with earth excavations or embankments, slopes and storm drains, in a portion of the Northeast Quarter and that portion of the Northeast Quarter of the Northwest Quarter of Section 27, Township 14 South, Range 2 West, SBM, for Alternate 8-A - Scripps North Parkway; declaring the intention of the City to acquire said property under eminent domain proceedings; directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property and easements.
(See City Manager Report CMR-90-532. Located westerly of the intersection of Pomerado Road and South Poway Parkway. Scripps Ranch Community Area. District-6.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E066-405.)

Hearing began at 2:12 p.m. and halted at 2:38 p.m.

Testimony in opposition by Milton Upton.

MOTION BY HENDERSON TO ADOPT THE CITY MANAGER RECOMMENDATION
AND

FINDINGS OF ISSUES RAISED. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: (O-91-95) INTRODUCED AND ADOPTED AS O-17570 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17504 (New Series), as amended, entitled "An Ordinance adopting the Annual Budget for the Fiscal Year 1990-91, and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by amending Document No. 00-17504-1, as amended and adopted therein, by authorizing the Auditor and Comptroller to increase the

General Fund 100 by \$300,000 due to the availability of unappropriated transfer of funds from the Arts Festival Corporation and allocating the \$300,000 to the Allocated Reserve 901; authorizing the Auditor and Comptroller to appropriate and allocate the \$235,000 to offset reductions in Transient Transportation Revenues, and \$65,000 for the School Safety Program (Summer Camp).

(See City Manager Report CMR-90-501.)

NOTE: The first public hearing of this Ordinance was held on Monday, December 10, 1990, Item S423. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E052-055.)

MOTION BY FILNER TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEMS-333, -334, -S502, AND -S505.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Dec-11-1990

ITEM-S503: (R-91-) CONTINUED TO JANUARY 8, 1991

Authorizing the execution of a first implementation agreement with San Diego Incubator Corporation to carry out economic development activities from July 1, 1990 through June 30, 1991; authorizing the expenditure of an amount not to exceed \$112,550 from CDBG Fund 18522, Dept. 5865, Org. 6505, Job Order 006506, for the purpose of providing funds for the above project.
(See Report from SEDC dated 12/11/90.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A062-071.)

MOTION BY PRATT TO CONTINUE TO JANUARY 8, 1991 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Dec-11-1990

ITEM-S504: WELCOMED

Welcoming a group of approximately 15 students from Santa Fe Christian School, accompanied by their teacher, Barbara Klett. This group will arrive at approximately 10:00 a.m.
(District-7.)

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A042-059.)

ITEM-S505: (O-91-98) INTRODUCED AND ADOPTED AS ORDINANCE
 O-17571 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1991 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Documents No. OO-17504-1 as amended and adopted therein, by transferring the sum of \$125,000 from the Equipment Division Operating Fund 50030, Object Account 333 to the General Service - Maintenance Improvement Fund 10503 for the purpose of funding Change Orders No. 1, No. 2 and No. 3 for Underground Storage Tank Replacement - Phase III.

NOTE: See Item S430, Subitem E on the docket of Monday, December 10, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

CITY MANAGER SUPPORTING INFORMATION: This project provides for the replacement of underground storage tanks and reconstruction of the gas pump islands at Chollas Operation Center. Currently County, State and Federal regulations require the replacement of all single-wall underground tanks with

double-wall tanks and modified ancillary leak detection equipment. Phase III is part of the City-wide Underground Hazardous Materials Storage Tank Management program and is the third of a series of tank replacement projects. This action will transfer \$125,000 from Equipment Division Operating Fund to fund the necessary change orders and provide contingency funding to complete this phase. Change Orders Nos. 1 and 3 provide equipment, materials, and labor for additional excavation to remove contaminated soil discovered when the old fuel tanks were removed. Change Order No. 1 was for removal of 300 cubic yards of contaminated soil and replacement with clean fill; cost is \$11,503. Change Order No. 3 was for removal of 2000 cubic yards of contaminated soil and replacement with clean fill; cost is \$42,183. Change Order No. 2 includes high-speed fueling system required to fill fuel tanker for fleet fueling, relocation of fuel island found to block vehicle access into and out of lube bay, and installation of double-walled piping and concrete pad for proposed emergency generator. Change Order No. 2 also includes extra concrete paving not anticipated in the original contract. Total cost for Change Order No. 2 is \$52,528. Aud. Cert. 9100403.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E052-055.)

MOTION BY FILNER TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEMS-333, -334, -S502, AND -S505.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S506: (R-91-890) ADOPTED AS RESOLUTION R-277077

Adopting the City's Urban Water Management Plan Update;

authorizing the City Manager to file said Plan Update with the California Department of Water Resources within 30 days of the adoption of this resolution, in accordance with AB 797; authorizing the City Manager to take all steps necessary to implement the Water Conservation Program as detailed in the Plan Update.
(See City Manager Report CMR-90-462 and Legislative Specialist Analysis PSS-90-34.)

COMMITTEE ACTION: Initiated by PSS on 12/6/90.
Recommendation to accept the City Manager and Legislative Specialist's recommendations. The Committee requested the City Manager to return to the PS&S Committee with a report on reporting waste water efficiency as part of the Water Conservation Program. Districts 3, 4, 5 and 7 voted yea. District 2 not present.
WU-U-91-069.

FILE LOCATION: WATER - City's Urban Water Management Plan Update

COUNCIL ACTION: (Tape location: H180-255.)
MOTION BY McCARTY TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-not present, Mayor O'Connor-nay.

ITEM-S507: (R-91-907) ADOPTED AS RESOLUTION R-277078

Authorizing the Clean Water Program Governance Advisory Group to continue as constituted and requesting the formulation of appropriate language for a special act district; declaring that the Advisory Group shall forward the recommended language for the special act district to the City's Public Services and Safety Committee and the City Council.
(See City Manager Report CMR-90-512 and Legislative Specialist Analysis PSS-90-36.)

COMMITTEE ACTION: Reviewed by PSS on 12/6/90. Recommendation to approve the City Manager's recommendation to continue the Governance Advisory Group. Districts 3, 4, 5 and 7 voted yea. District 2 not present.
WU-CWP-91-085.

FILE LOCATION: WATER - Clean Water Program Governance
Advisory Group

COUNCIL ACTION: (Tape location: J310-388.)

MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-CS-1: (R-91-984) ADOPTED AS RESOLUTION R-277051

19901211

A Resolution adopted by the City Council in Closed Session on December 11, 1990:

Authorizing the City Manager to pay the total sum of \$195,000 in settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Maria G. Rodriguez; authorizing the City Auditor and Comptroller to issue one check in the amount of \$195,000 to Donald S. Ceplenski, in full settlement of all claims.

Aud. Cert. 9100467

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Mayor O'Connor announced that the regular meetings of January 7, 1991, and January 8, 1991, will be held on Wednesday, January 9, 1991, and Thursday, January 10, 1991, to allow all members of the Council wishing to attend the inauguration of Governor Wilson to be able to do so. The night meeting scheduled for January 8, 1991, will be rescheduled to January 15, 1991.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: J389-425.)

PUBLIC COMMENT:

ITEM-PC-4: REFERRED TO CITY MANAGER

Comments by Craig O. Lake relating to: (1) CVC No. 22658 - Is the ordinance regarding towing vehicles to the closest garage being enforced? Inquiries were made to the Police Licensing Section but no interpretation nor satisfaction was received; (2) AB 4114 Abandoned Vehicles - Request that all towers of San Diego be notified by Licensing or by other means should the City seek funding for another Abatement program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J555-641.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 6:29 p.m. in honor of the memory of F. Stan Berry.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: K156).